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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,249	04/25/2001	Kazuo Kuroda	Q64260	5288

7590 01/20/2006  
SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER
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DINH, MINH

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/841,249	Applicant(s) KURODA ET AL.	
	Examiner Minh Dinh	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 November 2005.  
 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-39 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 25-39 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 25 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☒ All b) ☐ Some \* c) ☐ None of:  
 1. ☒ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the RCE/amendment filed 11/09/2005. Claims 1, 5-6, 9, 13 and 21-24 have been cancelled; claims 25-39 have been added.

### ***Response to Arguments***

2. Applicant's arguments filed 11/09/05 have been fully considered but they are not persuasive. Applicant argues that the cited references fail to teach that contents encrypted by CSS (Content Scrambling System) are recorded in a recordable information recording medium (page 8, 3<sup>rd</sup> paragraph). Bell ("The Dynamic Digital Disk") teaches that CSS-encrypted contents are recorded in DVD-ROM or DVD-R disks (page 32, middle column, 2<sup>nd</sup> paragraph, right column, 1<sup>st</sup> paragraph). Applicant argues that Oshima does not disclose that an encryption key is encrypted by CSS (page 9, 1<sup>st</sup> paragraph). Although Oshima does not disclose that an encryption key is encrypted by CSS, Bell was cited in the previous Office action as the secondary reference for teaching that an encryption key is encrypted in CSS. Applicant argues that Bell fails to teach that CSS is employed for a recordable information recording medium (page 9, 2<sup>nd</sup> paragraph). Bell discloses that media such as DVD-ROM disks are recordable at production (page 32, middle column, 2<sup>nd</sup> paragraph).

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 27-28, 32, 35 and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 27-28, 32, 35 and 38 recite the limitation "all of the recordable information recording medium". It is not clear whether the limitation refers to a medium or media since there is only one recordable information recording medium recited in each independent claims. For examination purpose, the limitation is interpreted as "all recordable information recording media recorded with the encrypted record information".

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 25-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oshima et al. (EP 0 802 527 A1) in view of Bell ("The Dynamic Digital Disk).

Regarding claim 31, which is representative of claims 25, 26, 34 and 37, Oshima discloses an apparatus comprising:

a generating device for generating an encryption key, the encryption key being equal to an encryption key which is recorded in advance in the recordable information recording medium (figures 1 and 10 and associated text);

an encrypting device which encrypts the record information (fig. 10); and

a distributing device which distributes the encrypted record information to an information recording apparatus through a telecommunications line, wherein the information recording apparatus records the encrypted record information in the recordable information recording medium comprising an encryption key recording area in which the encryption key is recorded in advance (fig. 10).

Oshima does not disclose using CSS (Content Scramble System) for encryption. Bell discloses that content to be recorded in a recordable information recording medium is protected using CSS by which the content is encrypted using a content encryption key which is protected by a disc key where both the content encryption key and the disc key are recorded in an area of the recordable information recording medium (p. 32, middle column, 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Oshima apparatus to utilize CSS for encryption, as taught by Bell, so that playback of the record information could only be done on compliant players.

Regarding claims 27-28, 32, 35 and 38, since the content encryption key is associated with the content, the content encryption key is common to all recording media recorded with the same content.

Regarding claims 29-30, 33, 36 and 39, Bell further discloses that the content encryption key is different for each manufacture (p. 32, middle column, 2<sup>nd</sup> paragraph).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,615,192 to Tagawa et al.

U.S. Patent No. 6,633,534 to Tosaki et al.

U.S. Patent No. 6,694,023 to Kim

U.S. Patent No. 6,938,162 to Nagai et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dinh whose telephone number is 571-272-3802.

The examiner can normally be reached on Mon-Fri: 10:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Art Unit: 2132

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MD

Minh Dinh  
Examiner  
Art Unit 2132

MD  
01/17/06

  
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